

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT  
EASTERN DISTRICT-WI  
GREEN BAY DIV.

*In the Matter of the Search of*

One Priority Mail package addressed to  
"Richard Smith, 1315 Weise St, Green Bay  
WI 54302" and containing the return address  
"2619 San Isidro, Laredo, TX 78045"

Application & Affidavit  
for Search Warrant

Case No. 10-M-606  
JON W.

I, Derik Thieme, being duly sworn depose and say: I am a U.S. Postal Inspector and have reason to believe that on the property known as:

One Priority Mail package addressed to "Richard Smith, 1315 Weise St, Green Bay, WI 54302" and containing the return address "2619 San Isidro, Laredo, TX 78045."

in the Eastern District of Wisconsin, there is now located certain property, namely: controlled substances, and/or money, and/or papers, or drug paraphernalia, which is used for, or evidence of, or proceeds of the distribution of controlled substances, which is evidence of, fruits of, contraband related to, and instrumentalities of, violations of Title 21, United States Code, Sections 841 (a) (1), 843 (b).

The facts to support a finding of Probable Cause are as follows:

See the attached affidavit of U.S. Postal Inspector Derik Thieme.

Continued on the attached sheet and made a part hereof. ✓ Yes No

  
U.S. Postal Inspector Derik Thieme

Sworn to before me, and subscribed in my presence

February 1, 2010

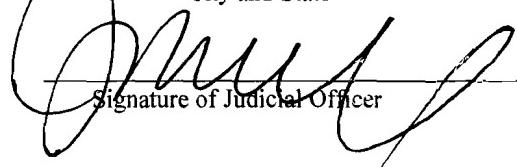
Date and time issued

Hon. James R. Sickel, U.S. Magistrate Judge

Name & Title of Judicial Officer

at Green Bay, Wisconsin

City and State

  
Signature of Judicial Officer

AFFIDAVIT

State of Wisconsin )

Eastern District of Wisconsin )

Your Affiant, Derik Thieme, United States Postal Inspector, being duly sworn, states the following information was developed from his personal knowledge and from information furnished to him by other law enforcement agents and professional contacts:

1. Your Affiant, Derik Thieme, has been employed by the United States Postal Inspection Service for approximately seven years. As part of his duties as a Postal Inspector, Inspector Thieme investigates the use of the U. S. Mails to illegally send and receive controlled substances and drug trafficking instrumentalities. Inspector Thieme has participated in investigations which have resulted in the arrest of individuals who have received and distributed controlled substances using the U.S. Mail, as well as the seizure of the illegal drugs and proceeds from the sale of those illegal drugs. His training and experience includes identifying packages with characteristics indicative of criminal activity, namely, the distribution of controlled substances.
  
2. On January 30, 2010, your Affiant received a call from the Cofrin Station Post Office in Green Bay regarding some suspicious packages that were mailed to two addresses on Weise St in Green Bay, WI. The employee reported to your Affiant that on January 28, 2010, a Priority Mail package addressed to Richard Smith at 1312 Weise St, Green Bay, WI 54302, with a return address of 2619 San Isidro, Laredo, TX 78045, was delivered to 1312 Weise St. The following day, Rachel Farvour, the resident at 1312 Weise St, reported she opened the package addressed to Richard Smith and discovered it contained marijuana. Farvour contacted the Green Bay Police Department to report receiving the package considering it contained marijuana and was not addressed to her or anyone she knew. I am aware that the

Task Force. Investigator Dan Yantes took custody of the package and examined its contents. Investigator Yantes is familiar with the appearance of marijuana based on his many years of investigating drug cases. Investigator Yantes confirmed that the package contained numerous baggies of marijuana.

3. On January 30, 2010, your Affiant received information from the Cofrin Station Post Office that a second Priority Mail package addressed to Richard Smith at 1315 Weise St, Green Bay, WI 54302, with a return address of 2619 San Isidro, Laredo, TX 78045, had been received for delivery. Your Affiant directed the Cofrin Station Post Office to hold the package until he could take custody of it for further investigation.
4. On February 1, 2010, your Affiant took custody of the above described package at the Cofrin Station Post Office. Your Affiant saw the delivery address written on the package was "Richard Smith, 1315 Weise St, Green Bay, WI 54302, with a return address of 2619 San Isidro, Laredo, TX 78045." Your Affiant also saw the postmark on the package showed it had been mailed from the Laredo, TX Post Office on January 27, 2010. Your Affiant weighed the package and determined it weighed approximately two (2) pounds. Finally, your Affiant examined the exterior characteristics of the package and saw that the contents were tightly packed which created a bulge in the package, that the address information was written in blue ink, and that the box was provided by the U.S. Postal Service for the purpose of mailing items via the Priority Mail flat rate considering it was labeled "Priority Mail, United States Postal Service, Medium Flat Rate Box. Your Affiant knows from conducting previous narcotics investigations that individuals involved in mailing narcotics often use packaging supplies like saran wrap to seal the odor of the narcotic and secure it inside its packaging. This wrapping increases the size of the narcotics and can create a bulge when placed inside a box or other container. When your Affiant spoke to

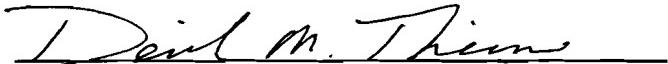
the Cofrin Station Post Office on February 1, 2010, he learned that the package delivered to 1312 Weise St, Green Bay, WI on January 28, 2010, was addressed to the same person, Richard Smith and contained the same return address, 2619 San Isidro, Laredo, TX.

5. On February 1, 2010, your Affiant queried the Accurint law enforcement database for information on the current occupant of "2619 San Isidro, Laredo, TX 78045." Your Affiant learned this address is a large apartment complex with hundreds of occupants. Your Affiant knows from conducting previous narcotics investigations that individuals using the U.S. Mail to send narcotics may use an address containing multiple units or residents to conceal their identity. Your Affiant also queried the Accurint law enforcement database and received information from the Cofrin Station Post Office regarding the delivery address, "Richard Smith, 1315 Weise St, Green Bay, WI 54302." Your Affiant learned from both sources that Richard Smith was not a current name at 1315 Weise St in Green Bay. Your Affiant knows from conducting previous narcotics investigations that individuals receiving controlled substances may use a fictitious name and/or address to conceal their identity from law enforcement.
6. On February 1, 2010, your Affiant took the package to Deputy Dernbach of the Brown County Drug Enforcement Task Force. I am aware that Deputy Dernbach is also a trained canine handler and his canine, Sammy, is trained in detecting the presence of marijuana, cocaine, crack cocaine, heroin, ecstasy and methamphetamine. Sammy was last certified in detecting narcotics in May, 2009. I know that the above described package was placed with four other packages in a room at the Green Bay Police Department. Sammy examined the room where the subject Priority Mail parcel was located and, according to

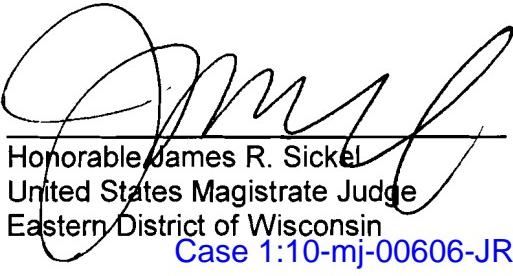
Deputy Dernbach, alerted to the presence of controlled substances in the subject Priority Mail package.

7. Postal regulation section 274.31 of the United States Postal Service Administrative Support Manual states that no one may detain mail sealed against inspection, except under the following condition: A Postal Inspector acting diligently and without avoidable delay, upon reasonable suspicion, for a brief period of time, to assemble evidence sufficient to satisfy the probable-cause requirement for a search warrant issued by a Federal Court.
8. Based on the facts set forth in this Affidavit, your Affiant believes the information provided by others identified in this affidavit is truthful and reliable. Therefore, your Affiant believes there is probable cause that the aforementioned subject Priority Mail parcel (paragraph three) contains narcotics, narcotic paraphernalia or proceeds from narcotic trafficking. Your Affiant, therefore, seeks the issuance of a warrant to search this parcel, and the contents contained therein, for controlled substances, controlled substance paraphernalia, and the proceeds relating to the sale of controlled substances, in violation of Title 21, United States Code, Sections 841 (a) (1), 843 (b).

Further Affiant sayeth naught.

  
Derik Thieme  
U.S. Postal Inspector

Subscribed and sworn to before me this 1 day of February, 2010.

  
Honorable James R. Sickel  
United States Magistrate Judge  
Eastern District of Wisconsin